

REMARKS

In response to the Office Action dated March 26, 2009, claims 1, 14, 24, 42, 45, 48 and 56 have been amended. Claims 2-3, 10-13, 15-17, 20-22, 25-27, 30-41, 44, 51-55, 57-58 and 60-65 are now canceled. Claims 1, 4-9, 14, 18-19, 23-24, 28-29, 42-43, 45-50, 56 and 59 are pending in the application.

In paragraph 3 on page 3 of the Office Action, claims 1, 3-9, 14, 18, 19, 23, 24, 28, 29, 42, 43, 45-50, 52-56 and 58-64 were rejected under § 103(b) as being unpatentable over Banker in view of Hoarty and Palazzi.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims.

Independent claim 1 sets forth, in part, an interface for communicating with a microprocessor of ~~to~~ the set top terminal for receiving and processing subscriber input provided by the microprocessor of the set top terminal and providing data to the microprocessor of the set top terminal, a modem connected to the interface for communicating with one or more headends, wherein the set top terminal receives television program signals based on the subscriber input received from the microprocessor of the set top terminal, a hardware upgrade microprocessor coupled to the interface and the modem for providing enhanced functional capabilities to the set top terminal and memory, coupled to the hardware upgrade microprocessor, for storing data therein, wherein the hardware upgrade is a card insertable into a card receiving slot of the set top terminal to add a data modulation and demodulation function to the set top terminal such that data may be retrieved from the one or more headends and stored in the

memory, wherein the data comprising information from an interactive service for accessing an on-line database thereby allowing a user to use the set top terminal to engage in actual transactions using two-way communications over the modem with the interactive service via submenus, and the interface to the set top terminal comprises interactive software stored in the memory and processed by the hardware upgrade microprocessor to provide enhanced functional capabilities for the set top terminal and to process subscriber inputs received from the set top terminal via the interface associated with the enhanced functional capabilities. Independent claims 14, 24 and 42 include similar recitations.

Banker merely describes subscriber terminals 40, 44 and 48 that include a modem and telephone link 52 to a telephone processor 16 at the headend 10. Further, Banker discloses that the subscriber terminals include microprocessors 128, 136. More particularly, Banker discloses an expansion card may be connected to the subscriber terminal. Banker states that expansion card 138 is a printed circuit card which contains memory and/or secure microprocessor components, which can be plugged into a connector 200. The connector 200 electrically extends the control microprocessor memory bus 141 and the secure microprocessor bus 143 to the expansion card 138. Additional program or data memory, or renewed security can be provided by the expansion card 138.

Thus, Banker fails to disclose an interface of a hardware upgrade device for communicating with a microprocessor of the set top terminal. Banker discloses that the subscriber terminal may include a modem, but fails to suggest providing a modem using the expansion card. Banker also fails to suggest providing a hardware upgrade

microprocessor on an expansion card. Banker further fails to suggest an interface that includes interactive software stored in memory of the expansion card. Banker does not discuss using a hardware upgrade microprocessor to process software stored in memory of the hardware upgrade to provide enhanced functional capabilities for the set top terminal or to process subscriber inputs received from the set top terminal via the interface associated with the enhanced functional capabilities.

Thus, Banker fails to disclose, teach or suggest the invention as defined in independent claims 1, 14, 24 and 42.

Hoarty fails to overcome the deficiencies of Banker. Hoarty is merely cited as disclosing a home interface controller 13 that includes input and output connections 261 for cable television RF. The home interface controller 13 also includes an expansion interface 263 for a modem.

However, Hoarty fails to disclose an interface of a hardware upgrade device for communicating with a microprocessor of the set top terminal. Hoarty fails to suggest providing a hardware upgrade microprocessor on an expansion card. Hoarty further fails to suggest an interface that includes interactive software stored in memory of the expansion card. Hoarty does not discuss using a hardware upgrade microprocessor to process software stored in memory of the hardware upgrade to provide enhanced functional capabilities for the set top terminal or to process subscriber inputs received from the set top terminal via the interface associated with the enhanced functional capabilities.

Thus, Banker and Hoarty, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 14, 24 and 42.

Palazzi fails to overcome the deficiencies of Banker and Hoarty. Palazzi is merely cited as disclosing a modem for communicating with a remote database. However, Palazzi fails to suggest an interface of a hardware upgrade device for communicating with a microprocessor of the set top terminal. Palazzi fails to suggest providing a hardware upgrade microprocessor on an expansion card. Palazzi further fails to suggest an interface that includes interactive software stored in memory of the expansion card. Palazzi does not discuss using a hardware upgrade microprocessor to process software stored in memory of the hardware upgrade to provide enhanced functional capabilities for the set top terminal or to process subscriber inputs received from the set top terminal via the interface associated with the enhanced functional capabilities.

Thus, Banker, Hoarty and Palazzi, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 14, 24 and 42.

4-9, 18-19, 23, 28-29, 43, 45-50, 56 and 59 are pending in the application.

Dependent claims 4-9, 18-19, 23, 28-29, 43, 45-50, 56 and 59 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1, 14, 24 and 42, respectively. Further dependent claims 4-9, 18-19, 23, 28-29, 43, 45-50, 56 and 59 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional

novel aspects. Therefore, Applicant respectfully submits that dependent claims 4-9, 18-19, 23, 28-29, 43, 45-50, 56 and 59 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "David W. Lynch". The signature is fluid and cursive, written over a horizontal line.

By: _____
Name: David W. Lynch
Reg. No.: 36,204

Date: June 26, 2009